[Mr. P. K. Narayana Pillai.]

PRESIDENT: Mr. Subba Aiyar will be the President of the committee.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Sir, Mr. Nilakanda Pillai will be here only for some time. When Mr. George rejoins us, he will have to be separately appointed to the Select Committee.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): In the case of any vacancy, the Dewan has the power to appoint another.

PRESIDENT: Mr. Nilakanda Pillai will resign and Mr. George will be put in by me.

THE TRAVANCORE MAJORITY BILL.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Travancore Majority Bill be read in Council.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The object of the Bill is very elaborately stated in the Statement of Objects and Reasons. In Travancore, for the purpose of some regulations, for instance, the Limitation Regulation, the Registration Regulation and the Guardian and Wards Regulation, the age of majority is fixed at 18. But, in some of the decisions of the High Court, it has been held that the common law has been abrogated only to the extent or for purposes of these Regulations and therefore the age of majority should be regarded as 16. That leads to many complications and the judges themselves who decided the cases have suggested that, although they had decided otherwise, it is open to the legislature to correct the mistakes in the common law and to see that the age of majority is fixed at 18. In pursuance of their suggestion and of the interpellation of one of the members of this House, this Bill has been brought in. I do not think it requires further explanation. There is only one section in the Bill.

MR. J. JOHN NIDIRY (*Changanachery cum Minachil*): I second it.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): While supporting the principle of the Bill, I have to make one observation. The law with respect to the question of majority as now settled by the High Court, except under certain Regulations and the general law of the land has to be taken to be 16 years of age. When that is the law, the Bill that we now intend to pass in this Council proposes to make 18 years as the age of majority. We must certainly give some time for the altered law to come into operation. For example, when we changed the law with respect to limitation, a time-limit was specified for the parties who have got anything to do under the existing law to make up their mind to accept the new law which is to be passed. Accordingly the

LIBRARY ARCHIVES Kerala Legislative Assembly

Indian Majority Act itself says that it will come into force only after three months after it was passed. A similar provision, I think, is necessary as is the usual practice. I only point out this difficulty in the present measure; and with this observation, I also support the principle of the Bill.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): With reference to the observations of Mr. P. K. Narayana Pillai, I think that section 4 is clear on the point, *viz.*, that nothing done under this Regulation shall affect the capacity of any person who, before this Regulation comes into force, has attained majority under the law applicable to him. Such cases will not be covered by this Regulation. Anyhow, the point suggested by Mr. P. K. Narayana Pillai may be considered at a later stage.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I say that, because we have a similar provision in the Indian Majority Act.

The question that the Travancore Majority Bill be read in Council was put and carried.

The Secretary then read the title of the Bill.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I beg to move that, this being a small measure, any amendment necessary might be made at the time the Bill is considered by this Council next time and that it be not referred to any Select Committee.

The motion was put and carried.

THE BANKERS' BOOKS EVIDENCE BILL.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Bankers' Books Evidence Bill be read in Council.

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, the object of the Bill is to afford facilities for bankers having very heavy transactions. Under the Travancore law, if the evidence of entries in the books of a bank is required, such books have to be produced and the judiciary are authorised to ask the banker to produce his books. This leads to very many difficulties and it is not possible for the court to receive any secondary evidence, because secondary evidence can be accepted only under certain circumstances. For various other reasons, it is obligatory upon the bankers even to produce the orignal books under certain conditions when the litigants want them for purposes of evidence.

This difficulty has been brought to the notice of the Government by some banks and it is a real grievance no doubt. What the present Bill proposes to do is, in the case of banks and in the case of individual

LIBRARY ARCHIVES Kerala Legislative Assembly